

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Eastern District of OklahomaCivil Division

FILED

DEC 11 2017

PATRICK KEANEY
Clerk, U.S. District CourtBy _____
Deputy Clerk

Case No.

CIV 17 - 453 - RAW

(to be filled in by the Clerk's Office)

1. Eddie M. Kelly

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1. K12 Inc., Principal

2. Oklahoma Virtual Charter Academy(OVCA), Agent

3. Adura Plummer, Agent

4. Nicole Ellison, Agent

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint; THIS IS AN ORIGINAL PROCEEDING

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Eddie M. Kelly</u>
Street Address	<u>814 Carbon Ave.</u>
City and County	<u>Hartshorne- Pittsburg County</u>
State and Zip Code	<u>Oklahoma 74547</u>
Telephone Number	<u>(918) 297-2891</u>
E-mail Address	<u>egk0624@excite.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name K12 Inc., ("K12"), Principal
 Job or Title *(if known)* K12 manages an Oklahoma public statewide K-12 virtual education business
 Street Address 2300 Corporate Park Dr., Ste. 200
 City and County Herndon USA
 State and Zip Code Virginia 20171
 Telephone Number (703) 483-7000
 E-mail Address *(if known)* _____

Defendant No. 2

Name Oklahoma Virtual Charter Academy ("OVCA"), Agent
 Job or Title *(if known)* K-12 Virtual Statewide Educational Services
 Street Address 1160 S. Douglas Blvd.
 City and County Midwest City-Oklahoma County
 State and Zip Code Oklahoma 73130-5237
 Telephone Number (866) 467-0848
 E-mail Address *(if known)* statum@okvirtual.org

Defendant No. 3

Name Audra Plummer, Agent
 Job or Title *(if known)* Elementary Principal
 Street Address 1160 S. Douglas Blvd.
 City and County Midwest City-Oklahoma County
 State and Zip Code Oklahoma 73130-5237
 Telephone Number (405) 259-9478 ext. 2041
 E-mail Address *(if known)* aplummer@okvirtual.org

Defendant No. 4

Name Nicole Ellison, Agent
 Job or Title *(if known)* Title I Supervisor
 Street Address 1160 S. Douglas Blvd.
 City and County Midwest City-Oklahoma County
 State and Zip Code Oklahoma 73130-5237
 Telephone Number (405) 259-9478 ext. 2064
 E-mail Address *(if known)* nellison@okvirtual.org

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	<u>Oklahoma Virtual Charter Academy ("OVCA"), Agent</u>
Street Address	<u>1160 S. Douglas Blvd.</u>
City and County	<u>Midwest City-Oklahoma County</u>
State and Zip Code	<u>Oklahoma 73130-5237</u>
Telephone Number	<u>(405) 259-9478</u>

II. Basis for Jurisdiction:: Federal Question

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law *(specify the federal law)*:

Sections 1981 and 1982 of the civils right act of 1866; 2.42 U.S.C. § 1983 Section 1

- ☒ Relevant state law *(specify, if known)*:

Oklahoma Government Tort Claim Act Sect 25-1350 paragraph G

Title 25, Okla Status, Section 1302 Discriminatory Practices- Employers

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Age

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

August 2012-March 2016

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race African American
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 1945 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

EXHIBIT 1

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

February 2015 & May 2016

- B. The Equal Employment Opportunity Commission *(check one)*:
- ☐ has not issued a Notice of Right to Sue letter.
- ☒ issued a Notice of Right to Sue letter, which I received on *(date)* September 18, 2017

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

(EXHIBIT 2)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☒ 60 days or more have elapsed.
- ☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Plaintiff seeks the recovery of compensatory and punitive damages from her employer K12 Inc. for employment discrimination. Plaintiff states in her Title VII complaint that the acts of the defendant was so outrageous that punitive damages are due up to and including attorney fees.
2. Plaintiff has also suffered a loss in wages, past and both present and future, as a result of Defendant K12 Inc. and its agents' unlawful actions for which she seeks recovery.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

3. Plaintiff seeks damages and remedies available to a victim of intentional discrimination, and attorney fees and costs against the OVCA Public School District; Elementary Principal Audra Plummer; and Title I Supervisor Nicole Ellison, for conduct characterized by a spirit of revenge and a conscious disregard for the rights and safety of another person that had a great probability of causing substantial harm.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

December 11, 2017

Signature of Plaintiff

Eddie M. Kelly

Printed Name of Plaintiff

Eddie M. Kelly (Pro Se)

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address